

Sector 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re. Appln.: Jon D. Kittelsen et al.

Serial No.: 09/828,108

Filed:  April 6, 2001

For: COMPOSITE MOUTHGUARD WITH NONSOFTENING FRAMEWORK

Attorney

Docket No.: 13701-154

Attorney: Gerald E. Helget

Additional Fees: Charge to Deposit Account 50-1188

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL COVER LETTER

Enclosed for filing, please find the following:

1. Response to Notice to File Missing Parts of Nonprovisional Application (4 pgs.);
2. Declaration for Utility or Design Patent Application (3 pgs.);
3. Petition for Extension of Time Under 37 CFR 1.136(a) (1 pg.);
4. Fee Transmittal for FY 2002 (1 pg.);
5. A check in the amount of \$525.00 in payment of the surcharge and extension fees; and
6. Postcard.

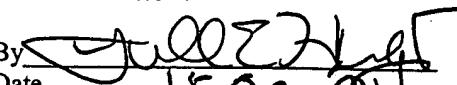
Respectfully submitted,

Dated: 15 Oct '01

By 
Gerald E. Helget (Reg. No. 30,948)
RIDER BENNETT EGAN & ARUNDEL
333 South Seventh Street, Suite 2000
Minneapolis, MN 55402
Telephone: (612) 340-8933

CERTIFICATE OF MAILING

I hereby certify that this document and the documents identified above are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

By 
Date 15 Oct 2001



Fee Transmittal for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 525)

Complete If Known	
Application Number	09/828,108
Filing Date	April 6, 2001
First Named Inventor	Jon D. Kittelsen, et al
Examiner Name	
Group / Art Unit	
Attorney Docket No.	13701-154

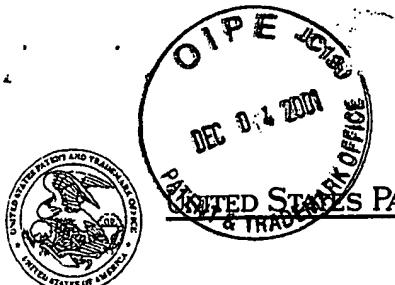
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<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text" value="50-1188"/></p> <p>Deposit Account Name <input type="text" value="Rider, Bennett, Egan & Arundel"/></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>					<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>65</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td>460</td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to Institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Gerald E. Helget	Registration No. Attorney/Agent)	36,948	Telephone	612-340-8933	
Signature				Date	October 15, 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/828,108	04/06/2001	Jon D. Kittelsen	13701-154

CONFIRMATION NO. 6804

25862

RIDER, BENNETT, EGAN & ARUNDEL
 333 SOUTH SEVENTH STREET
 SUITE 2000
 MINNEAPOLIS, MN 55402

FORMALITIES LETTER



OC000000006074400

Date Mailed: 05/14/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

12/06/2001 BABRAHA1 00000091 09828108

65.00 UP

01-FC:205

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The following item(s) appear to have been omitted from the application:

- Figure(s) 5,7,8,10,11,11A,12 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must be filed within TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must be filed within TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

7-11-04
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re. Appln.: Jon D. Kittelsen et al.

Serial No. 09/828,108

Filed: April 6, 2001

For: COMPOSITE MOUTHGUARD WITH NONSOFTENING FRAMEWORK

Attorney

Docket No.: 13701-154

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Additional Fees: Charge to Deposit Account 50-1188

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

This communication is filed in response to the Notice to File Missing Parts of NonProvisional Application, mailed May 14, 2001, a copy of which is attached hereto for reference.

Enclosed please find a Declaration for Utility Patent Application, dated August 29, 2001, a Petition for Extension of Time Under 37 CFR 1.136(a), and a check in the amount of \$525.00 in payment of the surcharge and three month extension fees.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

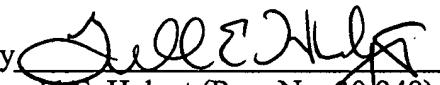
By Gerald E. Helget
Date 15 Oct 01

Applicant believes these document are adequate to complete the filing requirements set forth by the Notice to File Missing Parts of Non-Provisional Application.

Should you have any questions, you are hereby invited to contact the undersigned.

Respectfully submitted,

Dated: 15 Oct '01

By 
Gerald E. Helget (Reg. No. 80,948)
RIDER BENNETT EGAN & ARUNDEL
333 South Seventh Street
Suite 2000
Minneapolis, MN 55402
Telephone: (612) 340-8933